

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA, :

:

v. :

:

: Case No.: 7:22-CR-69 (WLS-TQL)

:

JOSE LEE WILLIAMS, :

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:

:

Defendant. :

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ORDER

On February 16, 2023, the Government moved for a Protective Order in this matter, ostensibly to prevent the disclosure of a confidential informant's identity, among other matters. (Doc. 20.) To ensure the prompt resolution of this issue, on February 21, 2023, the Court ordered the Defendant to file a Response within seven (7) days, indicating whether they opposed the Government's Motion. (Doc. 21.)

On February 28, 2023 a Response in Opposition to the Government's Motion for a Protective Order was filed. (Doc. 23.) Therein, Defendant showed that the Government had not established good cause for a protective order in the Government's Motion and urged the Court to deny the Government's Motion (Doc. 20) and immediately order discovery. (Doc. 23.)

Upon further review of the Government's Motion for a Protective Order (Doc. 20) the Court notes that Defendant is correct that the Government has not shown good cause for a protective order, and that the Government's Motion is deficient such that it could not be granted as written, even if it was unopposed. The Government's is deficient because the Government does not cite any case law that would support their Motion, but rather simply states that "Federal Rule of Criminal Discovery 16(d)(1)" authorizes the issuance of a protective order to protect the identity of a confidential source. (Doc. 20.) Furthermore, the Government repeatedly references a proposed order, that was never submitted to the Court or Defense Counsel. (Docs. 20 & 23.)

As the Government's Motion (Doc. 20) did not provide sufficient information for this Court to determine whether good cause for a Protective Order in this case exists, but rather vaguely references a non-submitted proposed order, the Government is hereby **ORDERED** to file on the record the proposed order **by no later than Monday, March 6, 2023**. In order for the Court to properly exercise its discretion pursuant to Federal Rule of Criminal Procedure 16(d) the Government is also hereby **ORDERED** to include with that proposed order the facts, reasons and relevant case law that authorize the issuance of a protective order to protect the identities of confidential informants. If necessary, the detailed facts and reasons may be submitted to the Court *ex parte*.

SO ORDERED, this 2nd day of March 2023.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT